



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

March 2, 2010

Bruce Gibson
San Luis Obispo County Board of Supervisors
County Government Center

REDACTED

RE: FPPC No. 07/0770; Bruce Gibson

Dear Supervisor Gibson:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. As you are aware, the Commission received a complaint against you alleging that on various occasions from May 2006 through December 2007, as a public official you made, participated in making or used or attempted to use your official position to influence governmental decisions in which you had a financial interest in violation of Section 87100 of the Political Reform Act (the "Act")¹. Specifically, that you had a conflict of interest when you spoke publically about the Cayucos Fringe Viewshed at public meetings, expressed your opinion about the Viewshed in a newspaper article, and finally when you participated in voting to approve the Cayucos Fringe Viewshed Ordinance on December 4, 2007, while you owned real property located near the proposed Viewshed.

We have determined that the evidence does not support prosecution of this matter. Though your real property may have been included within previous versions of the Viewshed boundaries, you did not engage in activity that would have created a conflict of interest under the Act when you spoke at public meetings or expressed your opinion in a newspaper article. The Act allows public officials to speak in their private capacity at public meetings to represent their own interests when a recusal is made and certain steps are followed. (*See* Regulation 18702.5, copy enclosed) and it appears that you completed the steps required by the Act before you engaged in discussions where governmental decisions were made.

¹ The Political Reform Act is contained in Government Code section 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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Additionally, when you participated in the governmental decision on December 4, 2007, to approve the Cayucos Fringe Viewshed Ordinance your real property was located over 500 feet from the boundaries of the Viewshed and indirectly involved in the governmental decision. Therefore, any reasonably foreseeable material financial effect on your economic interest is presumed not to be material. There does not appear to be any special circumstances warranting a rebuttal of this presumption. Therefore, we are closing this case with this letter because there was no reasonably foreseeable material financial effect on your economic interest as a result of your actions.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772. You may also visit our website at www.fppc.ca.gov.

Sincerely,

REDACTED

Sukhi K. Brar
Commission Counsel
Enforcement Division

/SKB

Enclosure